

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5492 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

M M BHATIA

Versus

STATE OF GUJARAT

Appearance:

MR NK MAJMUDAR for Petitioner

None present for Respondent No. 1

MR RN SHAH for Respondent No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/06/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioner, an employee of the District Panchayat, Panchmahals at Godhra, by this petition is praying for the direction to the respondents to maintain the parity in the pay scale of the post which he is holding and the post of Superintendent of ITIs in the

State Government.

3. Learned counsel for the petitioner despite of the fact that repeatedly the Court has asked him, has failed to produce the relevant service rules regarding the recruitment and other service conditions of these two posts. Not only this, learned counsel for the petitioner, on being asked by the Court, has also failed to produce for its perusal the relevant pay scale rules. From the reply to the special civil application I find that for the post of Superintendent ITI, the minimum qualification is graduation in Engineering. For the post of Superintendent, Cluster Type Training Centre, qualification is only Diploma. Even if it is taken, at one point of time, the pay scales of these two posts were identical, it is always open, justified as well as in consonance with the provisions of Articles 14, 21 and 39 of the Constitution to the State Government to prescribe two different pay scales with reference to qualifications. Where minimum qualification of recruitment prescribed for a post is higher than the minimum qualification prescribed for other posts then certainly for the former post higher pay scale could have been prescribed and that precisely it has been done in this case.

4. Apart from this, learned counsel for the petitioner also utterly failed to show how these two posts are identical with reference to duties which are to be performed by the holders of the same. Learned counsel for the respondent has given out that in the ITI of the Government there are many subjects which are to be taught whereas in the Cluster Type Training Centre at the Panchayat level only limited subjects are to be taught. Looking to this fact on which there is no serious controversy raised by the learned counsel for the petitioner, the responsibilities of the Superintendent ITI in Government institutions and that of Superintendent Cluster Type Training Centre at Panchayat level are different. On the basis of the qualifications, two pay scales for the same post is permissible and if any reference is required then reference may have to the decision of the Apex Court in the Case of Shyambabu Verma vs. Union of India reported in 1994 (2) SCC 521.

5. This writ petition is wholly misconceived and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

zgs/-